05 - 25 - 07   RAC

MAY 24 2007

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) emo2

First named inventor: Walt Froloff

Application No.: 10/648,433   Art Unit: 2173

Filed: August, 25, 2003   Examiner: Cao Nguyen

Title: System and Method for Encoding Decoding Parsing and Translating Emotive Content in Electronic
        Communication

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

        NOTE: If information or assistance is needed in completing this form, please contact Petitions
              Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

                APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

        NOTE: A grantable petition requires the following items:
                (1) Petition fee;
                (2) Reply and/or issue fee;
                (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
                    filed before June 8, 1995; and for all design applications; and
                (4) Statement that the entire delay was unintentional.

1.Petition fee
    [x] Small entity-fee $ 750   (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

    [ ] Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee
        A. The reply and/or fee to the above-noted Office action in
            the form of _____(identify type of reply):

            [x] has been filed previously on _____.
            [x] is enclosed herewith.   05/29/2007 MGEBREM1 00000042 10648433

        B. The issue fee and publication fee (if applicable) of $ _____ 01 FC:2453   750.00 OP
            [ ] has been paid previously on _____.
            [ ] is enclosed herewith.

[Page 1 of 2]

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

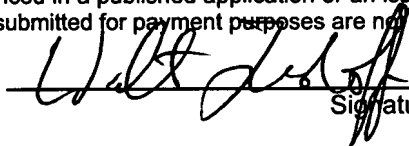3. Terminal disclaimer with disclaimer fee

[x] Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

[ ] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____   ___5/24/07____
                Signature   Date

Walt Froloff
_____   _____
        Typed or printed name   Registration Number, if applicable

___ 273 Searidge Rd, Aptos, CA 95003 _____   ___831-685-2446_____
                Address   Telephone Number

_____
                Address

Enclosures: [x] Fee Payment

[x] Reply

[ ] Terminal Disclaimer Form

[x] Additional sheets containing statements establishing unintentional delay

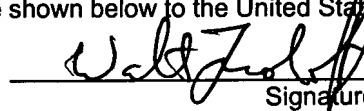[x] Other:_Correspondance, RCE app, _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]
I hereby certify that this correspondence is being:
[x] Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
[ ] Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

___5/24/07____   _____
        Date   Signature

                                  ___Walt Froloff_____
                                  Typed or printed name of person signing certificate
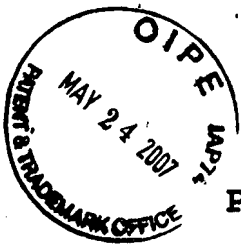
Petition to Withdraw the Holding of Abandonment

In re Application of

System and Method for Encoding Decoding Parsing and Translating Emotive Content in Electronic Communication

Application No.:	**10/648,433**	Group Art Unit:	2173
Confirmation No.:		Examiner:	Cao Nguyen
Filed:	August, 25, 2003		
For:	**Walt Froloff**		
Date:	May 23, 2007		

Subject: **Petition to Withdraw the Holding of Abandonment Based on Failure to Receive Notice of Fee Underpayment** and request **Re-instatement of RCE for Application Number: 10/648,433.**

Mail Stop: Petition
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Fax No. (571) 273-3282

Attention: Office of Petitions

I am petitioning that the PTO withdraw the holding of abandonment based on failure to receive office action under MPEP 711.03(c)II and re-start the RCE in progress for of the subject application. In accordance with the 27CFR 1.181 this communication is to 1) Promptly inform the PTO upon becoming aware that the Office sent a notice of fee underpayment 2) Provide a statement attesting I had no personal knowledge or any receipt of the office action 3) Proof that Records show no receipt of the office action, and 4) Any further evidence showing nothing was received in the time period from when notice of insufficient fees was received to notice of abandonment.

Personal knowledge, attestation and statement of facts

I attest that all these statements are true and based on personal knowledge. The facts of this petition as I know them are as follows.

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On May 3, 2007, I received a Notice of Abandonment for application **10/648,433**, the notice, post marked 5/1/07. The subject application was filed August, 25, 2003. The PTO first office action (FOA) from Examiner Cao Nguyen regarding this application and we are currently were our second RCE. Examiner Nguyen issued a final rejection on the first RCE on March 8, 2006, to which we responded with a phone call and a written phone call summary response on May 30, 2006 with amendments as a result of the phone conversation. See attached "PHONE CALL SUMMARY FROM FINAL REJECTION OFFICE ACTION MAILED 03/08/06". When we did not obtain a response back, we were told to file for another RCE, which we did, see "RESPONSE TO ADVISORY ACTION 02/08/06 AND REQUEST FOR CONTINUING EXAMINATION", on October 9, 2006. We waited patiently until the notice of abandonment arrived May 3, 2007

After calling and speaking with examiner Nguyen, he referred me to a Mr. David Jones, whom we then called. Mr. Jones referred us to back to Mr. Nguyen. Examiner Nguyen then advised me to file a petition to revive. He also informed me that my fees were insufficient to pay for the time extension, that we were sent a notice informing us as much. We did not receive said notice of underpayment. It would seem obvious to us that after the pain of going so far and being near the end, one would pay a simple fee underpayment. In any event, we did not in any way abandon this application, and request that you revive this application so that we can complete this RCE and obtain issuance. Furthermore, request that you look through your policy on issuing abandonment notices. We were not unresponsive to an examiners requests or responses. Please see attached responses, latest October 9th, 2007.

We acted in good faith and exercised patience when I should maybe have been more proactive. However, as my responses show, I have been diligent regarding my efforts in obtaining a grant on this application and evidence showing an intention to complete this process.

Sincerely,

Walt Froloff
Inventor

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MAY 24 2007
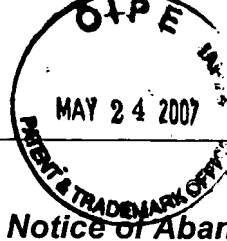
	Application No.	**Applicant(s)**
Notice of Abandonment	10/648,433	FROLOFF, WALT
	Examiner	**Art Unit**
	Cao (Kevin) Nguyen	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on <u>08 March 2006</u>.

   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.

   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

The call was made on 3/3 and 3/23/07. Applicant's failure to response Final Office Action mailed on 3/8/06

Cao (Kevin) Nguyen
Primary Examiner
Art Unit: 2173

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UNITED STATES PATENT AND TRADEMARK OFFICE
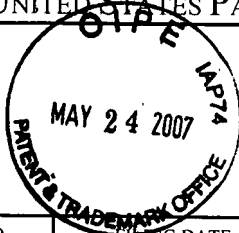
MAY 24 2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,433	08/25/2003	Walt Froloff	Emo2	4543

7590   05/01/2007

Walt Froloff
273D Searidge Rd
Aptos, CA 95003

EXAMINER
NGUYEN, CAO H

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
05/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

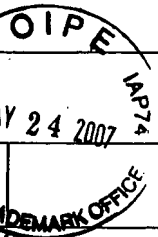|	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/648,433	FROLOFF, WAL
	Examiner	Art Unit
	Cao (Kevin) Nguyen	2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>02 June 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3 </u>months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☒ They raise the issue of new matter (see NOTE below);

   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-18*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

Cao (Kevin) Nguyen
Primary Examiner
Art Unit: 2173

Continuation of 3. NOTE: the proposal claims will not be entered [..each emotive vector comprising an emotive state and an associated emotive intensity normalized to the author..] now claimed were not considered in the claims prior to Final Rejection .

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re application of:

Froloff, W

Serial No.: 10/648,433

Filed: 08/25/03

Title: **System and Method for Encoding Decoding Parsing and Translating Emotive Content in Electronic Communication** | Group Art Unit: 2173
Examiner: Nguyen, Cao (Kevin)
Docket: EMO2
CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the US Postal Service as First Class Mail in a postage-paid envelope addressed to Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October, 9 2006.

Signed: _Walt Froloff_
Walt Froloff |

Response to Advisory Action 02/068/06 and Request for Continued Examination (RCE)

Commissioner for Patents
M/S Amendments
Box 1450
Alexandria, VA 22313-1450

In re Application of:

SYSTEM AND METHOD FOR ENCODING DECODING PARSING AND TRANSLATING EMOTIVE CONTENT IN ELECTRONIC COMMUNICATION

Subject: Entering of proposed claims prior to Final Rejection dated 3/8/06 for Patent Application Number: 10/648,433, closed before consideration of entered claim amendments below.

Dear Examiner Nguyen:

Enclosed is a 1) summary of our conversation 4/17/06 response to the Final Rejection RCE Office Action dated March 8, 2006 and 2) amended claims. These were not considered prior to the final rejection. We hope these will serve to remove all rejections as per your request.

1

1. Claim Rejections under 35 USC § 102

Regarding our phone conversation April 17, 2006, pursuant to patent application 10/648,433, our conversation centered around prior art by Hatlelid et al, US 6,522,333, and hereafter referred to as Hatlelid and we summarize:

The emotive content in Hatelid and all the previous prior art still deal with graphical user interface and receiver interpretation of the emotive content. Emovectors are sender/author centric and contain specific emotive state, not moods, personalities, or gestures. That specific emotive state has a state name or label, not generic and cannot have a general denotation as moods can, as "good" "bad" "positive" "negative" "dark" "light" etc. Moods have a built in sign value, negative or positive, emotive states do not. Moods comprise emotive states and often have a plurality of emotive states all mixed in together, and frequently carry the name of the dominant emotive state, ie, a "happy mood", a "sad mood". Emotive states are single and atomic. They are not a sum or total of some other emotive states.

Hatelib teaches and claims behavior and visual information, moods, moods with gestures, moods with absolute scales of mood intensities, personality or behavior with dials and intensity bars. Although those can all be construed as manifestations of emotions, visuals and graphics with movement and manifestations of weighted movements are indicative of emotion but not the emotions themselves. Frankly they are still too imprecise and must be interpreted by receivers to obtain the emotions. Since the behavior is unique to the individual, this makes the guessing even less precise.

Moods are: a general overall mental disposition of all your current feelings. You can have many feelings generally all a one time. That is your mood. You can be in a "good" or "bad" mood, but you cannot be in a "good" or "bad" emotive state. You can be in a "negative" or "dark" mood, or "positive" or "light" mood. This is because you may be happy, exited, anxious, afraid and still be in a "good" mood. Mood is the net overall feeling that you have presently. Emotive states are specific and individual, with **names or labels**, Happy, Sad, Anxious, Exited, etc. Emovectors allow the building of relationships and transitions between emotive states, Moods do not allow this because of the mix inside. You can be in a happy mood, but that is general and under that you can have several emotive states, even though the happy mood may predominate it cannot be accurately translated another mood without loosing some emotive states.

Mood Intensity: Hatelid defines this as "the mood intensity selection allows the user to adjust which behavioral movements associated with the personality will be selected by assigning each movement a weight that determines the probabilty the movement will be selected." Therefore Hatelid mood intensity is not even the intensity of the mood itself, but only allows the user to select behavioral movement.

Therefore Mood Intensity is **not** Emotive Intensity or even analogous to emotive intensity because mood intensity as defined "allows the user to adjust which behavioral movements associated with personality or mood...", not the degree of the mood. This is further shown in Hatelid because he discloses that one can have a "happy" mood (Figure 2b) with a negative value for mood intensity, -10 to +10. Or a "sad" mood with a positive mood intensity, -10 to +10. Thus, the moods intensities are for graphical manipulation of movements.

Emotive Intensity is the specific value of the emotive state felt from the sender's range of highest to lowest specific emotive state levels, ie. value normalized to the sender maximum and minimum felt or experienced feeling intensities of a specific emotive state. An individual may have many emotive states on various specific subjects or matters. Each will have their own associated intensity and that is normalized to the author's individual uniquness, not some absolute −10 to +10 movement scale.

Mood Intensity Scale: (Intensity bar on Figure 2a and Figure 9a) are an <u>absolute,</u> −10 to +10 scale. This is the minimum and maximum scale for "adjusting the behavioral movements associated with personality or mood" This has nothing to do with a users emotive state intensity, for which the user must introspect to discover and may drive behavior. A user must feel the intensity and ask where if falls on his/her personal scale, then normalize it against their most and least intense feelings experienced for that emotive state. Behaviorally, a user may be furiously angry mood, yet display that without intensely flapping their arms as per the Mood Intensity scale value -10 or alternatively the user can choose to intensely flap their arms at the maximum absolute intensity value 10+, both of which can be correct from the senders standpoint depending on how he/she expresses him/her self behaviorally yet has no information as to what and how much the author feels inside.

Emotive intensity scale: will be specific to the individual and the individual's specific emotive state, not absolute in either of those aspects. The emotive intensity is also sign less, has no sign value, because emotional states have no sign. Moods have signs by definition, good or bad, negative or positive because that could be a general mental disposition as defined by mood. Emotive states have no sign by definition. An emotional state just is. Emovectors do not carry a signed emotive intensity or intensity range with a sign or an absolute scale.

Furthermore, a signed intensity prohibits emotive equivalencing, translating to other emotive states, an aspect of the invention that allows for relationships between emotive states to be numerically processed. Mood cannot get you from the emotive state "Outraged" to emotive state "irritated" Or "ecstatic" to "amused" There is no way to translate between emotive states because moods are a generic feeling, a sum total of how one feels, and not specific enough to translate from one emotive state to another. Hence the added emotive content precision is dramatically improved upon by the invention by requiring the send to be introspective, to look inside him/her self, and discover the emotive intensity of the feeling, normalizing that to their set of experiences and providing that quantity.

Behavior:

Hatelid is all about behavior. Expressing personality, moods and gestures. But behavior is an external manifestation of action based on feelings. Emovectors reflect feelings and completely bypass behavior. Behavior can be misinterpreted and often is, inferring a specific feeling when another or plurality of other feelings are the root impetus.

There is plenty of room for error when the receiver has to judge the mood or feelings from animated behavior. That's why Hatelid doesn't have emovectors, because they handle don't that problem, the room for error in judgment by the receiver, as to what the behavior means and that indicative of the senders internal emotive state/intensity.

Another disadvantage of receiving behavioral cues is to think that everyone is just like us. Or, closer to the truth, that everyone SHOULD be like us. If we have a great natural smile we feel like others should also beam a celebrity smile. But people are NOT like us. Due to culture, family

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upbringing, peer group, genetics, medications, emotional states, bad teeth, and more...people are inclined or not inclined to smile. They are who they are. It's just the way it is. And transmitting behavioral characteristics in the hopes that this is emotively accurate is not reality, but that's what Hatelid does, allows the transmission of behavior in gestures, moods and personalities.

Another fallacy is "what you see is what you get!" Not necessarily so. Interpreting human nature is more complex that just observing someone's smile or looking at his or her gestures. Just because a person isn't smiling doesn't mean he's unhappy. Just because a person is smiling doesn't mean she's happy. Although a smiling worker is terrific, there is a good chance that the more serious-looking worker connects and communicates better with the customer than the worker with the mandatory, plastic smile.

And sometimes "what you see isn't what you get" because our reading of smiles and behavior is an art and not a science. When we see a smile or a gesture, many times the impression of whether it's real or fake is correct, but sometimes it's wrong. That's the prior art. That's not emovectors. The differences between Hatelid's mood/intensity and emovectors is briefly:

Hatelid allows for moods, not emotive states. Moods are generic mental disposition which include more than one emotive state and often many emotive states, henc their sum affect can be "good mood", "bad mood" "dark mood light mood" which are not emotive states, which have names or labels like happy, anxious, sad, afraid, etc.

Hatelid mood intensity relates to behavior movements or movement weights, not intensity value the of mood itself. Ie mood is not −10 or +10, that is the value that some movement will acquire. Emotive intensity is the value of the emotive state itself, not some other parameter related to movement of some other object, extrinsic to mood/emotion itself.

Hatelid mood scale gives a numerical value to the degree of movement, not for the degree of emotive state felt.

Hatelid mood intensity scale is a signed absolute scale (negative to positive, good to bad), not a numerical range of the emotive state normalized to the user, dependent on the user's uniqueness and based on the users emotional reaction. This reaction in the data entity form of an emovector is not behavioral, its totally internal to the user and must be introspected. While this information can be used to create behavior, that's not what we teach or claim and other inventions, Hatelib, do that.

2. Amended Claims

We have amended the independent claims 1, 10, and 16 to reflect the definitions for emovector given in the specification on page 20, so they are expressly defined in the claims as per your request. Claim 17 was amended by striking 2 stray lines after the claim ending, making it not a part of the original claim 17 yet not part of claim 18. Claims 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, and 18 remain unchanged. Please let us know if this adequately meets with your approval.

1. (currently amended) A system and method of communicating emotive content comprising emotive vectors, each emotive vector comprising an emotive state and an associated emotive intensity normalized to the author, with associated text embedded in electronic device communications.

2. (original) A method as in claim 1 further comprising the encoding of emotive content into standard computing device communication formats.

3. (original) A method as in claim 1 further comprising the encoding of the emotive content into textual communications.

4. (original) A method as in claim 1 further comprising the decoding of emotive content in electronic communications bearing emotive vectors normalized to the communication's author.

5. (original) A method as in claim 4 further comprising parsing the emotive content into tokens for presentation and display of face glyph emotive representations with associated textual content on receiver computing device displays.

6. (original) A method as in claim 5 further comprising the tokenizing of the parts of speech of associated text and with the tokenized emotive content synthesizing author's intended meaning text strings.

7. (original) A method as in claim 4 further comprising the mapping of emotive intensity numerical value into one or more word text describing the emotive intensity value in express language which would qualify an associated emotive state with the intensity value.

8. (original) A method as in claim 1 further comprising the scanning and tokenizing of the embedded emotive content in the communications.

9. (original) A method as in claim 1 further comprising parsing communications containing the emotive content using emotive grammar productions to tokenize the emotive content in textual communications.

10. (currently amended) A method of encoding emotive vectors, <u>each emotive vector comprising an emotive state and an associated emotive intensity</u> normalized to the author with associated text in electronic communications.

11. (original) The method in claim 10 further comprising structuring and synthesizing emotive parsers with productions exploiting emotive vectors encoded in textual datastreams.

12. (original) The method in claim 10 further comprising an emotive parser to tokenize emotive vectors into emotive components and emotive components to a set of face glyphs.

13. (original) The method in claim 12 further comprising a natural language parser to extract and tokenize emotive vector associated text into the parts of speech components.

14. (original) The method in claim 13 further comprising concatenating communication tokenized emotive components with grammatical string fragments and strings selected from the associated text into grammatical strings conveying an intended meaning of the communication.

15. (original) The method in claim 14 further comprising said face glyph set based on graphic rendering of reasonably representative emotive states and associated emotive intensities.

16. (currently amended) A computer program residing on a computer-readable media, said computer program communicating emotive content comprising emotive vectors<u>, each emotive vector comprising an emotive state and an associated emotive intensity normalized to the author,</u> with associated text embedded in electronic device communications.

17. (currently amended) A computer network comprising:

   a plurality of computing devices connected by a network;

   said computing devices which display graphical and textual output;

   applications executing on the devices embedding emotive vectors which are representations of emotive states with associated author normalized emotive intensity;

   assembling emotive content by associating emotive vectors with associated text in electronic communication;

   encoding emotive content by preserving association of emotive vectors with associated text in the electronic communication;

transmitting the communication with emotive content to one or more receiver computing devices;

parsing communication bearing emotive content; and

mapping emotive vectors to face glyph representations from a set of face glyphs;

Such that communications encoded with emotive content facilitate exchange of precise emotive intelligence.

~~displaying communication of textual with associated face glyph emotive representations on said computing device displays;~~

~~whereby senders can transmit to receivers precise emotive content in communications.~~

18. (original) A computer program residing on a computer-readable media, said computer program communicating over a computer network comprising:

a plurality of computing devices connected by a network;

said computing devices which display graphical and textual output;

computer-readable means for applications executing on the devices embedding emotive vectors which are representations of emotive states with associated author normalized emotive intensity;

computer-readable means for assembling emotive content by associating emotive vectors with associated text in electronic communication;

computer-readable means for encoding emotive content by preserving association of emotive vectors with associated text in the electronic communication;

computer-readable means for transmitting the communication with emotive content to one or more receiver computing devices;

computer-readable means for parsing communication bearing emotive content; and

computer-readable means for mapping emotive vectors to face glyph representations from a set of face glyphs; and

computer-readable means for displaying communication of textual with associated face glyph emotive representations on said computing device displays;

whereby communications encoded with emotive content provide means of exchange of precise emotive intelligence.

If any matters can be resolved by telephone, Applicant requests that the Patent and Trademark Office call the Applicant at the telephone number listed below.

Respectfully submitted,

By: _____
Walt Froloff

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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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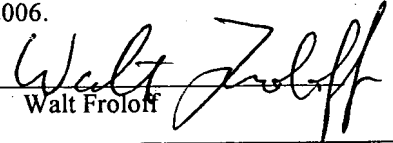
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UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Froloff, W Serial No.: 10/648,433 Filed: 08/25/03 Title: **System and Method for Encoding Decoding Parsing and Translating Emotive Content in Electronic Communication**	Group Art Unit: 2173 Examiner: Nguyen, Cao (Kevin) Docket: EMO2 CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the US Postal Service as First Class Mail in a postage-paid envelope addressed to Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May, 30 2006. Signed: _____ Walt Froloff

PHONE CALL SUMMARY FROM FINAL REJECTION OFFICE ACTION MAILED
03/08/06

Commissioner for Patents
M/S Amendments
Box 1450
Alexandria, VA 22313-1450

In re Application of:

SYSTEM AND METHOD FOR ENCODING DECODING PARSING AND
TRANSLATING EMOTIVE CONTENT IN ELECTRONIC COMMUNICATION

Subject: TELEPHONE CALL SUMMARY AND Examiner amendments for RCE
OFFICE ACTION Final Rejection dated 3/8/06 for Patent Application
Number: 10/648,433

Dear Examiner Nguyen:

Enclosed is a summary of our conversation 4/17/06 response to the Final Rejection RCE Office Action dated March 8, 2006, please find amended claims. We hope these will serve to remove all rejections as per your request.

1. Claim Rejections under 35 USC § 102

Regarding our phone conversation April 17, 2006, pursuant to patent application 10/648,433, our conversation centered around prior art by Hatlelid et al, US 6,522,333, and hereafter referred to as Hatlelid and we summarize:

The emotive content in Hatelid and all the previous prior art still deal with graphical user interface and receiver interpretation of the emotive content. Emovectors are sender/author centric and contain specific emotive state, not moods, personalities, or gestures. That specific emotive state has a state name or label, not generic and cannot have a general denotation as moods can, as "good" "bad" "positive" "negative" "dark" "light" etc. Moods have a built in sign value, negative or positive, emotive states do not. Moods comprise emotive states and often have a plurality of emotive states all mixed in together, and frequently carry the name of the dominant emotive state, ie, a "happy mood", a "sad mood". Emotive states are single and atomic. They are not a sum or total of some other emotive states.

Hatelib teaches and claims behavior and visual information, moods, moods with gestures, moods with absolute scales of mood intensities, personality or behavior with dials and intensity bars. Although those can all be construed as manifestations of emotions, visuals and graphics with movement and manifestations of weighted movements are indicative of emotion but not the emotions themselves. Frankly they are still too imprecise and must be interpreted by receivers to obtain the emotions. Since the behavior is unique to the individual, this makes the guessing even less precise.

Moods are: a general overall mental disposition of all your current feelings. You can have many feelings generally all a one time. That is your mood. You can be in a "good" or "bad" mood, but you cannot be in a "good" or "bad" emotive state. You can be in a "negative" or "dark" mood, or "positive" or "light" mood. This is because you may be happy, exited, anxious, afraid and still be in a "good" mood. Mood is the net overall feeling that you have presently. Emotive states are specific and individual, with **names or labels**, Happy, Sad, Anxious, Exited, etc. Emovectors allow the building of relationships and transitions between emotive states, Moods do not allow this because of the mix inside. You can be in a happy mood, but that is general and under that you can have several emotive states, even though the happy mood may predominate it cannot be accurately translated another mood without loosing some emotive states.

Mood Intensity: Hatelid defines this as "the <u>mood intensity selection allows the user to adjust which behavioral movements associated with the personality will be selected by assigning each movement a weight that determines the probability the movement will be selected.</u>" Therefore Hatelid mood intensity is not even the intensity of the mood itself, but only allows the user to select behavioral movement.

Therefore Mood Intensity is **not** Emotive Intensity or even analogous to emotive intensity because mood intensity as defined "allows the user to adjust which behavioral movements associated with personality or mood...", not the degree of the mood. This is further shown in Hatelid because he discloses that one can have a "happy" mood (Figure 2b) with a negative value for mood intensity, -10 to +10. Or a "sad" mood with a

positive mood intensity, -10 to +10. Thus, the moods intensities are for graphical manipulation of movements.

Emotive Intensity is the specific value of the emotive state felt from the sender's range of highest to lowest specific emotive state levels, ie. value normalized to the sender maximum and minimum felt or experienced feeling intensities of a specific emotive state. An individual may have many emotive states on various specific subjects or matters. Each will have their own associated intensity and that is normalized to the author's individual uniquness, not some absolute –10 to +10 movement scale.

Mood Intensity Scale: (Intensity bar on Figure 2a and Figure 9a) are an <u>absolute,</u> –10 to +10 scale. This is the minimum and maximum scale <u>for "adjusting the behavioral movements associated with personality or mood"</u> This has nothing to do with a users emotive state intensity, for which the user must introspect to discover. A user must feel the intensity and ask where if falls on his/her personal scale, then normalize it against their most and least intense feelings experienced for that emotive state. Behaviorally, a user may be furiously angry mood, yet display that without intensely flapping their arms as per the Mood Intensity scale value -10 or alternatively the user can choose to intensely flap their arms at the maximum absolute intensity value 10+, both of which can be correct from the senders standpoint depending on how he/she expresses him/her self behaviorally yet has no information as to what and how much the author feels inside.

Emotive intensity scale: will be specific to the individual and the individual's specific emotive state, not absolute in either of those aspects. The emotive intensity is also sign less, has no sign value, because emotional states have no sign. Moods have signs by definition, good or bad, negative or positive because that could be a general mental disposition as defined by mood. Emotive states have no sign by definition. An emotional state just is. Emovectors do not carry a signed emotive intensity or intensity range with a sign or an absolute scale.

Furthermore, a signed intensity prohibits emotive equivalencing, translating to other emotive states, an aspect of the invention that allows for relationships between emotive states to be numerically processed. Mood cannot get you from the emotive state "Outraged" to emotive state "irritated" Or "ecstatic" to "amused" There is no way to translate between emotive states because moods are a generic feeling, a sum total of how one feels, and not specific enough to translate from one emotive state to another. Hence the added emotive content precision is dramatically improved upon by the invention by requiring the send to be introspective, to look inside him/her self, and discover the emotive intensity of the feeling, normalizing that to their set of experiences and providing that quantity.

Behavior:

Hatelid is all about behavior. Expressing personality, moods and gestures. But behavior is an external manifestation of action based on feelings. Emovectors reflect feelings and completely bypass behavior. Behavior can be misinterpreted and often is, inferring a specific feeling when another or plurality of other feelings are the root impetus.

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A common fallacy of human behavior is to dislike in others what we dislike about ourselves. A sarcastic person likely has little tolerance for other sarcastic people. A pushy person probably does not like to be pushed around by others. A person who never smiles is likely to be bothered by people who don't smile. So there is plenty of room for error when the receiver has to judge the mood or feelings from animated behavior. That's why Hatelid doesn't use emovectors, because they handle exactly that problem, the room for error in judgment by the receiver, as to what the behavior means.

Another disadvantage of receiving behavioral cues is to think that everyone is just like us. Or, closer to the truth, that everyone SHOULD be like us. If we have a great natural smile we feel like others should also beam a celebrity smile. But people are NOT like us. Due to culture, family upbringing, peer group, genetics, medications, emotional states, bad teeth, and more...people are inclined or not inclined to smile. They are who they are. It's just the way it is. And transmitting behavioral characteristics in the hopes that this is emotively accurate is not reality, but that's what Hatelid does, allows the transmission of behavior in gestures, moods and personalities.

Another fallacy is "what you see is what you get!" Not necessarily so. Interpreting human nature is more complex that just observing someone's smile or looking at his or her gestures. Just because a person isn't smiling doesn't mean he's unhappy. Just because a person is smiling doesn't mean she's happy. Although a smiling worker is terrific, there is a good chance that the more serious-looking worker connects and communicates better with the customer than the worker with the mandatory, plastic smile.

And sometimes "what you see isn't what you get" because our reading of smiles and behavior is an art and not a science. When we see a smile or a gesture, many times the impression of whether it's real or fake is correct, but sometimes it's wrong. That's the prior art. That's not emovectors. The differences between Hatelid's mood/intensity and emovectors is briefly:

Hatelid allows for moods, not emotive states. Moods are generic mental disposition which include more than one emotive state and often many emotive states, henc their sum affect can be "good mood", "bad mood" "dark mood light mood" which are not emotive states, which have names or labels like happy, anxious, sad, afraid, etc.

Hatelid mood intensity relates to behavior movements or movement weights, not intensity value the of mood itself. Ie mood is not −10 or +10, that is the value that some movement will acquire. Emotive intensity is the value of the emotive state itself, not some other parameter related to movement of some other object, extrinsic to mood/emotion itself.

Hatelid mood scale gives a numerical value to the degree of movement, not for the degree of emotive state felt.

Hatelid mood intensity scale is a signed absolute scale (negative to positive, good to bad), not a numerical range of the emotive state normalized to the user, dependent on the user's uniqueness and based on the users emotional reaction. This reaction in the data entity form of an emovector is not behavioral, its totally internal to the user and must be introspected. While this information can be used to create behavior, that's not what we teach or claim and other inventions, Hatelib, do that.

We have amended the independent claims 1, 10, and 16 to reflect the definitions for emovector given in the specification on page 20, so they are expressly defined in the claims as per your request. Claim 17 was amended by striking 2 stray lines after the claim ending, making it not a part of the original claim 17 yet not part of claim 18. Claims 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, and 18 remain unchanged. Please let us know if this adequately meets with your approval.

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computer-readable means for transmitting the communication with emotive content to one or more receiver computing devices;

computer-readable means for parsing communication bearing emotive content; and

7

computer-readable means for mapping emotive vectors to face glyph representations from a set of face glyphs; and

computer-readable means for displaying communication of textual with associated face glyph emotive representations on said computing device displays;

whereby communications encoded with emotive content provide means of exchange of precise emotive intelligence.

Please email back if acceptable and I will mail a formal mail response to the PTO when you are satisfied. If not, please let me know what more I can do.

Respectfully submitted,

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Walt Froloff

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